

September 18, 2020

Via ECF

Honorable Mary Kay Vyskocil
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2230
New York, NY 10007

Re: Clarkson Recovery Corp. v. Ryzinski & Macniak, 20 Civ. 4336 (MKV)

Dear Judge Vyskocil:

Pursuant to the Court’s Order dated September 14, 2020 (Dkt. 17) (the “September 14 Order”), Plaintiff-Counterclaim Defendant Clarkson Recovery Corp. (“Plaintiff” or “Clarkson”) and Defendants-Counterclaim Plaintiffs Bolek Ryzinski and Lukas Macniak (collectively, “Defendants”) submit this joint letter to advise the Court regarding the parties’ intention to file amended pleadings and to provide the Court with a proposed revised Case Management Plan.

In accordance with the September 14 Order, Defendants intend to file an amended counterclaim by September 25, 2020. Plaintiff does not intend to file an amended complaint. As a result, the parties propose the following briefing schedule for the parties’ contemplated motions¹:

- Plaintiff shall file its motions for judgment on the pleadings and to dismiss Defendants’ counterclaim by October 16, 2020;
- Within 30 days of Plaintiff’s filing, Defendants shall file their opposition to Plaintiff’s motions and any cross-motion (to avoid ambiguity, if this deadline falls on a weekend, Defendants would have the benefit of the usual extension to the next business day);
- Plaintiff shall file its reply in support of its motions and its opposition to any cross-motion by November 30, 2020; and
- Defendants shall file their reply on any cross-motion on December 7, 2020.

In addition, submitted herewith is the parties’ proposed revised Case Management Plan.

¹ The parties have attempted to create a schedule that is consistent with the briefing schedule set out in the September 14 Order, but which accounts for scheduling concerns posed by the Thanksgiving holiday.

We thank the Court for its attention to these matters.

Respectfully submitted,

*Attorneys for Plaintiff
Clarkson Recovery Corp.*

/s/ Christopher B. Harwood

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